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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/281,969	03/31/1999	TAKESHI FUNAHASHI	Q53829	7976

7590 11/05/2003

SUGHRUE, MION, ZINN  
MACPEAK & SEAS  
2100 PENNSYLVANIA AVENUE N W  
WASHINGTON, DC 200373202

EXAMINER
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BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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11

DATE MAILED:

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Commissioner for Patents

**Advisory Action**

Application No.

09/281,969

Applicant(s)

FUNAHASHI ET AL.

Examiner

Stephen M Brinich

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 5,7-16 and 18-21.Claim(s) objected to: 24.Claim(s) rejected: 1-4,6,17,22 and 23.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 02 October 2003 have been fully considered but they are not persuasive.

Re claims 1-4, 6, & 23, Applicant argues (Paper #10: page 2, line 14 - page 4, line 15 and page 5, line 20 - page 6, line 2) that the eye region image or the iridial granule of the Yamakita et al reference is not readable as the recited "normalization processing condition" extracted on the image reading side, but rather is a mere "segmentation of the image". In particular, Applicant notes (page 3, lines 1-6) that the process of parameter determination is carried out by geometric normalizer 3 on the receiving side (rather than the reading side), and argues (page 3, line 20- page 4, line 2) that the iridial granule (prior to this receiving-side processing) does not itself constitute a "normalization processing condition".

However, Examiner maintains that the iridial granule, being a set of data that serves as an input from which normalization parameters are determined, constitutes a "normalization processing condition", inasmuch as the claims do not require the recited "normalization processing condition" to directly provide a normalization parameter without any need for additional processing.

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Re claim 2, Applicant further argues (Paper #10: page 4, line 16 - page 5, line 2) that the iridial granule is "a mere partial image extracted from an entire image" and is not readable upon the recited "reduced image".

However, the recited "reduced image" of claim 2 does not appear to include any elements that would rule out the reading of a partial image as a "reduced image". In the absence of such a limitation, Examiner maintains that a partial image extracted from a larger image is readable as a "reduced image", inasmuch as the former is clearly of "reduced" size compared to the latter.

Applicant argues (Paper #10: page 5, lines 3-11) that the Yamakita et al reference does not teach means for changing the normalization processing condition and performing subsequent processing based on the changed normalization processing condition.

However, Yamakita et al discloses (Figure 5; column 11, lines 59-61; column 12, lines 50-62) the extraction of iridial granule data that is then processed (and thereby changed) to produce a set of output data based on the iridial granule. Normalization processing is done in accordance with this data.

Applicant argues (Paper #10: page 5, lines 12-19) that "there is no common parameter developed at the read side further

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used in conjunction with separately recited image data to obtain the normalization at the receive side".

However, as noted previously, the iridial granule data is a "parameter" (since it will provide controlling input), and has a separate identity from the entire set of image data provided by the read side.

Applicant argues (Paper #10: page 6, lines 3-15) that the combination of Yamakita et al in view of AAPA lacks proper motivation.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as noted by Examiner, the processing of the AAPA images in order to provide the individual identification taught by Yamakita et al would be an expedient obvious to one of ordinary skill in the art.

**Conclusion**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich  
Examiner  
Art Unit 2624

smb *SMB*  
October 31, 2003



*THOMAS D.*  
**THOMAS D. LEE**  
PRIMARY EXAMINER